

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<p><b>RACHEL HATTON,</b> <i>Plaintiff,</i></p> <p>V.</p> <p><b>HARRIS COUNTY JAIL AND HARRIS COUNTY SHERIFF'S DEPARTMENT AND HARRIS COUNTY</b> <i>Defendants.</i></p>	<p>§ § § § CIVIL ACTION NO. 4:18-CV-_____</p> <p>§ JURY DEMAND</p> <p>§ §</p>
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**INDEX OF MATTERS FILED UPON REMOVAL**

The following documents appear in the file of the case styled *Rachel Hatton v. Harris County Jail, Harris County Sheriff's Office and Harris County*, Cause No. 2018-30004, in the 234<sup>th</sup> Judicial District Court of Harris County, Texas, certified copies of which are attached:

1. Docket Sheet;
2. Plaintiff's Original Petition
3. Civil Case Information;
4. Civil Process Request;
5. Civil Process Request
6. Defendant Harris County's Original Answer to Plaintiff's Original Petition and Requests for Disclosure.

Respectfully submitted,

OF COUNSEL:

VINCE RYAN  
HARRIS COUNTY ATTORNEY

/S/ Mary E. Baker  
MARY E. BAKER  
Federal I.D. No. 7647  
State Bar No. 08534000  
Senior Assistant County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone: (713) 274-5133  
Facsimile: (713) 755-8924  
[mary.baker@cao.hctx.net](mailto:mary.baker@cao.hctx.net)

ATTORNEY FOR DEFENDANT  
HARRIS COUNTY

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2018, a true and correct copy of this pleading was served by facsimile and/or electronically to:

Joseph Ward  
Ahmad G. Azam  
Azam, Ward & Sullivan, PLLC  
9894 Bissonnet St., Ste. 905  
Houston, Texas 77036  
Fax: (832) 203-4477  
[info@awspllc.com](mailto:info@awspllc.com)

/S/ Mary E. Baker  
MARY E. BAKER  
Senior Assistant County Attorney

NO. \_\_\_\_\_

**RACHEL HATTON.**  
**Plaintiff,****V.****HARRIS COUNTY JAIL AND  
HARRIS COUNTY SHERIFF'S  
DEPARTMENT AND HARRIS  
COUNTY  
Defendants.****§ IN THE DISTRICT COURT****§****§****§****§****§****§****§****§****§****§****§****§****JUDICIAL DISTRICT****§**

may be served with citation pursuant to Tex. Civ Prac. & Rem. Code 17.024 by serving its County Judge, Ed Emmett 1001 Preston Suit 911, Houston TX 77002.

5. Defendant HARRIS COUNTY SHERIFF'S DEPARTMENT, an entity that is registered in Texas may be served with process at the following address 1200 Baker St, Houston, TX 77002.

#### **JURISDICTION AND VENUE**

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. Plaintiff seeks:

a. only monetary relief of \$200,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

8. This court has jurisdiction over the parties because Defendant is a Texas resident.

9. Venue in Harris County is permissive in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

10. The court has jurisdiction over this claim under the Texas Tort Claims Act because the Texas Legislature waived Defendant's sovereign immunity for claims involving personal injury arising from a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

Civ. Prac. & Remedies Code § 101.021(B)(2) states:

A governmental unit in the state is liable for:

(B) the employee would be personally liable to the claimant according to Texas law; and  
(2) personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

### **FACTUAL ALLEGATIONS**

On or about May 7, 2016 Mrs. Hatton was incarcerated in the Harris County Jail on a charge unrelated to assault. Mrs. Hatton was in line with other inmates at the time when she was assaulted.

Mrs. Hatton was ordered by a female guard to go back to her cell. Apparently, when Mrs. Hatton didn't move fast enough, the guard charged Plaintiff with extreme force and started to punch Mrs. Hatton. In fact according to Mrs. Hatton the last thing she can remember is falling to the ground and another inmate yelling, "Oh my gosh, her head!"

The next thing Mrs. Hatton recalls is being in the clinic, but she did not know how or why she came to be there. According to Mrs. Hatton all she remembers is someone, nurse or doctor, in the clinic giving her pills to take for her injuries. Mrs. Hatton was in the clinic for some time, over three hours, at no point did any employees ever explain why she was in the clinic.

Subsequent to the clinic visit and check up, Mrs. Hatton was returned to her cell. The female officer that attacked Mrs. Hatton was apparently and confusingly still on duty and was monitoring Plaintiff's unit that night. Mrs. Hatton even continued to buzz the guard all night with the call button in her cell, but this guard never responded.

Subsequently Mrs. Hatton was bailed out and it came time to collect her clothes. Except,

that the clothes she was arrested and subsequently assaulted in were not in her bag and were soaking wet. Almost as if the jail washed the clothes to hide any blood stains they were on the clothes.

When Mrs. Hatton was picked up her brother in law noticed there was blood matted in her hair. When Mrs. Hatton was dropped off at her mother's house Mrs. Hatton's mother noticed that Plaintiff had stiches in her head. As unknown stiches are very concerning Mrs. Hatton's mother rushed her to the hospital to discover that Mrs. Hatton had suffered a severe concussion. Mrs. Hatton sustained stiches to her head, lacerations to her head and face, bruises all over her body and a black eye, all of which took over a month to heal (superficially anyway) completely. The extent of the damage to her psyche and emotions and future body is unknown. However, what is known at this time is that she suffers from depression due to this trauma, anxiety, memory loss and insomnia.

#### **CIVIL ASSAULT & BATTERY**

11. Plaintiff incorporates by reference the allegations set forth above as if the same were fully set forth herein.

12. Harris county has employed individuals as prison guards, hereinafter referred to as "guards" to presumably maintain order in the jail between prisoners and citizens as well as guards and prisoners.

13. On or about May 7, 2016 Rachel Hatton, Plaintiff was incarcerated within the Harris County Jail complex. Mrs. Hatton is a mother and a wife and, moreover, a very petite woman.

14. Defendant, by and through their employee prison guard was apparently very angry and decided to intentionally batter Mrs. Hatton with her closed fist. This attack was not

only an overly zealous use of force, but also, as evidence will show, happened when Mrs. Hatton was on the floor in the most vulnerable position a human can be in, i.e. lying on the floor. This did not stop this "guard" as the guard continued to mercilessly pulverize Mrs. Hatton. This guard made her point quite clear.

15. Defendant purposefully and intentionally acted with her own volition and proximately caused Mrs. Hatton to incur medical bills as well as medical aid.

16. But-for the actions of this prison guard, Mrs. Hatton would not have sustained any damages from battery.

#### **42 U.S.C § 1983 EXCESSIVE FORCE**

17. At all times relevant to the claims states herein, this prison guard was operating under the color of state law. Guards actions against Mrs. Hatton constituted unjustified and excessive force. By unjustifiably punching, kicking, he violated Mrs. Hatton's' rights under the Fourth, Eighth, and Fourteenth Amendments of the U.S. Constitution, which directly and proximately caused damages to Mrs. Hatton including the past and future medical expenses, mental anguish, pain and suffering.

#### **GOVERNMENT IMMUNITY WAIVER**

18. The court has jurisdiction over this claim under the Texas Tort Claims Act because the Texas Legislature waived Defendant's sovereign immunity for claims involving personal injury arising from a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

Civ. Prac. & Remedies Code § 101.021(B)(2) states:

A governmental unit in the state is liable for:

(B) the employee would be personally liable to the claimant according to Texas law; and  
(2) personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

In this case, sub-section (B) (2) applies. In this instance the prison guard is an employee as defined

### **RESPONDEAT SUPERIOR**

19. Under the theory of Respondeat Superior, an employer is vicariously liable for the torts of an employee acting within the scope of employment even though the employer did not personally commit the tort. *Goodyear Tire & Rubber Co. v. Mayes*, 236 S.W.3d 754, 757 (Tex.2007); *Baptist Mem'l Hosp. Sys. v. Sampson*, 969 S.W.2d 945, 947 (Tex.1998); *DeWitt v. Harris Cty.*, 904 S.W.2d 650, 654 (Tex.1995); see *Broaddus v. Long*, 138 S.W.2d 1057, 1059 (Tex.1940).

20. In order to prevail under the doctrine of Respondent Superior the Plaintiff must prove that: a) The Plaintiff was injured as the result of a tort, B) the tortfeasor was an employee of the Defendant; c) the tort was committed while the employee was acting within the scope of employment—that is, the act was (1) within the employee's general authority, (2) in furtherance of the Defendant's business, and (3) for the accomplishment of the object for which the employee was hired.

### **DAMAGES**

21. Plaintiff has sustained damages in an amount within this court's jurisdictional

limits.

#### **ATTORNEY'S FEES**

22. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by Chapter 38 of the Texas Civil Practice and Remedies Code.

#### **ALTERNATIVE ALLEGATIONS**

23. Pursuant to Rules 47 and 48, Texas Rules of Civil Procedure and the rules of pleadings, allegations in this petition are made in the alternative.

#### **PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

#### **REQUEST FOR DISCLOSURE**

24. Plaintiff requests that defendant produce answers pursuant to Rule 194 of the Texas Rules of Civil Procedure: 194(a)- 194(i).

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Rachel Hatton respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for specific performance, damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and post-judgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be

entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

Azam, Ward & Sullivan, PLLC

By: Joseph H. Ward w/ permission  
Joseph Ward  
Texas Bar No. 24090460  
Ahmad G. Azam  
Texas Bar No. 24071775  
Email: info@awspllc.com  
9894 Bissonnet St. Ste. 905  
Houston, TX 77036  
Tel. (832) 674-0879  
Fax. (832) 203-4477  
Attorney for Plaintiff



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 7, 2018

Certified Document Number: 79777550 Total Pages: 8

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

## CIVIL CASE INFORMATION SHEET

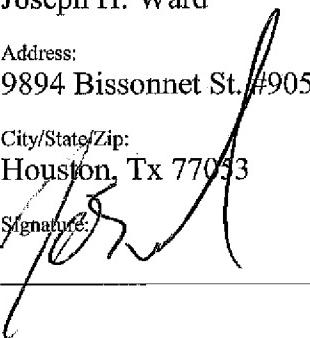
5/3/2018 3:20:52 PM  
 Harris County  
 Envelope No: 24350190  
 By: CHAMBERS, WANDA R  
 Filed: 5/3/2018 3:20:52 PM

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

**STYLED RACHEL HATTON VS HARRIS COUNTY JAIL AND HARRIS COUNTY SHERIFF'S DEPARTMENT AND HARRIS COUNTY**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>		<b>Names of parties in case:</b>	<b>Person or entity completing sheet is:</b>
Name: <b>Joseph H. Ward</b>	Email: <b>info@awspllc.com</b>	Plaintiff(s)/Petitioner(s): <b>Rachel Hatton</b>	<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Address: <b>9894 Bissonnet St. #905</b>	Telephone: <b>832-674-0879</b>	Defendant(s)/Respondent(s): <b>Harris County Jail and Harris County Sheriff's Department and Harris County</b>	Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father: _____
City/State/Zip: <b>Houston, Tx 77033</b>	Fax: <b>832-203-4477</b>		
Signature: 	State Bar No: <b>24090460</b>		
[Attach additional page as necessary to list all parties]			

**2. Indicate case type, or identify the most important issue in the case (select only 1):**

<b>Civil</b>			<b>Family Law</b>	
<b>Contract</b>	<b>Injury or Damage</b>	<b>Real Property</b>	<b>Marriage Relationship</b>	<b>Post-Judgment Actions (non-TITLE IV-D)</b>
<input type="checkbox"/> Debt/Contract <input checked="" type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:  	<input checked="" type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____  <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____  <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <input type="checkbox"/> Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order
<b>Employment</b>	<b>Other Civil</b>	<b>Related to Criminal Matters</b>	<b>Other Family Law</b>	<b>Parent/Child Relationship</b>
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:  	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
<b>Tax</b>	<b>Probate &amp; Mental Health</b>			
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings  <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			

**3. Indicate procedure or remedy, if applicable (may select more than 1):**

<input type="checkbox"/> Appeal from Municipal or Justice Court	<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Prejudgment Remedy
<input type="checkbox"/> Arbitration-related	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Protective Order
<input type="checkbox"/> Attachment	<input type="checkbox"/> Interpleader	<input type="checkbox"/> Receiver
<input type="checkbox"/> Bill of Review	<input type="checkbox"/> License	<input type="checkbox"/> Sequestration
<input type="checkbox"/> Certiorari	<input type="checkbox"/> Mandamus	<input type="checkbox"/> Temporary Restraining Order/Injunction
<input type="checkbox"/> Class Action	<input type="checkbox"/> Post-judgment	<input type="checkbox"/> Turnover

**4. Indicate damages sought (do not select if it is a family law case):**

- Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
- Less than \$100,000 and non-monetary relief
- Over \$100,000 but not more than \$200,000
- Over \$200,000 but not more than \$1,000,000
- Over \$1,000,000

Rev 2/13



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 7, 2018

Certified Document Number: 79777551 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

## CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_

CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types):

Plaintiff's Original PetitionFILE DATE OF MOTION: May 3rd 2018

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Harris County JailADDRESS: 1200 Baker St. Houston Tx 77002 or wherever found

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- |   |  |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP                                     | <input type="checkbox"/> CONSTABLE                       |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: | Phone: _____   |
| <input type="checkbox"/> MAIL   | <input checked="" type="checkbox"/> CERTIFIED MAIL       |
| <input type="checkbox"/> PUBLICATION:   |  |
| Type of Publication:  | <input type="checkbox"/> COURTHOUSE DOOR, or             |
|   | <input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____ |
| <input type="checkbox"/> OTHER, explain _____                                 |  |

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2. NAME: Harris CountyADDRESS: 1001 Preston, Suite 911 Houston, TX 77002 or wherever foundAGENT, (if applicable): Judge Ed EmmettTYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Plaintiff's Original Petition

SERVICE BY (check one):

- |   |  |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP                                     | <input type="checkbox"/> CONSTABLE                       |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: | Phone: _____   |
| <input type="checkbox"/> MAIL   | <input checked="" type="checkbox"/> CERTIFIED MAIL       |
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| Type of Publication:  | <input type="checkbox"/> COURTHOUSE DOOR, or             |
|   | <input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____ |
| <input type="checkbox"/> OTHER, explain _____                                 |  |

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Joseph H. WARD TEXAS BAR NO./ID NO. 24090460MAILING ADDRESS: 9894 Bissonnet St. Suite 905 Houston, Tx 77036PHONE NUMBER: 832 674-0879 area code phone number FAX NUMBER: 832 203-4477 area code fax numberEMAIL ADDRESS: info @ awsp1lc.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

 ORIGINAL PETITION AMENDED PETITION SUPPLEMENTAL PETITION COUNTERCLAIM AMENDED COUNTERCLAIM SUPPLEMENTAL COUNTERCLAIM CROSS-ACTION: AMENDED CROSS-ACTION SUPPLEMENTAL CROSS-ACTION THIRD-PARTY PETITION: AMENDED THIRD-PARTY PETITION SUPPLEMENTAL THIRD-PARTY PETITION INTERVENTION: AMENDED INTERVENTION SUPPLEMENTAL INTERVENTION INTERPLEADER AMENDED INTERPLEADER SUPPLEMENTAL INTERPLEADER INJUNCTION MOTION TO MODIFY SHOW CAUSE ORDER TEMPORARY RESTRAINING ORDER BILL OF DISCOVERY:ORDER TO: \_\_\_\_\_  
(specify)MOTION TO: \_\_\_\_\_  
(specify)PROCESS TYPES:NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 7, 2018

Certified Document Number: 79777552 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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CASE NUMBER: \_\_\_\_\_

CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition

FILE DATE OF MOTION: May 3<sup>rd</sup> 2018  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Harris County Sheriff's Department

ADDRESS: 1200 Baker St. Houston, TX 77002 or wherever found

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- |   |  |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP                                     | <input type="checkbox"/> CONSTABLE                 |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: | Phone: _____                                       |
| <input type="checkbox"/> MAIL   | <input checked="" type="checkbox"/> CERTIFIED MAIL |
| <input type="checkbox"/> PUBLICATION:   |  |
| Type of Publication: <input type="checkbox"/> COURTHOUSE DOOR, or             |  |
| <input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____                      |  |
| <input type="checkbox"/> OTHER, explain _____                                 |  |

\*\*\*\*\*

\*\*\*\*

2. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- |   |   |
|---|---|
| <input type="checkbox"/> ATTORNEY PICK-UP                                     | <input type="checkbox"/> CONSTABLE      |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: | Phone: _____                            |
| <input type="checkbox"/> MAIL   | <input type="checkbox"/> CERTIFIED MAIL |
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| <input type="checkbox"/> NEWSPAPER OF YOUR CHOICE: _____                      |   |
| <input type="checkbox"/> OTHER, explain _____                                 |   |

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Joseph H. Ward TEXAS BAR NO./ID NO. 24090460

MAILING ADDRESS: 9894 Bissonnet St. Suite 905 Houston Tx 77036

PHONE NUMBER: 832 674-0879 FAX NUMBER: 832 203-4477  
area code phone number area code fax number

EMAIL ADDRESS: info@awspllc.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

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 SUPPLEMENTAL PETITION

COUNTERCLAIM

AMENDED COUNTERCLAIM  
 SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

AMENDED CROSS-ACTION  
 SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

AMENDED THIRD-PARTY PETITION  
 SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

AMENDED INTERVENTION  
 SUPPLEMENTAL INTERVENTION

INTERPLEADER

AMENDED INTERPLEADER  
 SUPPLEMENTAL INTERPLEADER

INJUNCTIONMOTION TO MODIFYSHOW CAUSE ORDERTEMPORARY RESTRAINING ORDERBILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
 (specify)

MOTION TO: \_\_\_\_\_  
 (specify)

PROCESS TYPES:NON WRIT:

CITATION  
 ALIAS CITATION  
 PLURES CITATION  
 SECRETARY OF STATE CITATION  
 COMMISSIONER OF INSURANCE  
 HIGHWAY COMMISSIONER  
 CITATION BY PUBLICATION  
 NOTICE  
 SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)  
 RULE 106 SERVICE

SUBPOENAWRITS:

ATTACHMENT (PROPERTY)  
 ATTACHMENT (WITNESS)  
 ATTACHMENT (PERSON)

CERTIORARI

EXECUTION  
 EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT  
 GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS  
 INJUNCTION  
 TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)  
 PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)  
 POSSESSION (PROPERTY)

SCIRE FACIAS  
 SEQUESTRATION  
 SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris  
County, Texas certify that this is a true and  
correct copy of the original record filed and or  
recorded in my office, electronically or hard  
copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 7, 2018

Certified Document Number: 79777553 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CAUSE NO. 2018-30004**

**RACHEL HATTON,** § **IN THE DISTRICT COURT**  
*Plaintiff,* §  
§  
§  
V. § **234<sup>TH</sup> JUDICIAL DISTRICT**  
**HARRIS COUNTY JAIL AND** §  
**HARRIS COUNTY SHERIFF'S** §  
**DEPARTMENT AND HARRIS COUNTY** §  
*Defendants.* § **OF HARRIS COUNTY, TEXAS**

**ORIGINAL ANSWER OF DEFENDANT HARRIS COUNTY TO**  
**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Harris County ("Defendant") now files its Original Answer to Plaintiff's Original Petition (the "Petition") and would respectfully show this Court as follows:

**I.**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every, all and singular, of the allegations set forth in Plaintiffs' Petition, and demands strict proof thereof by a preponderance of the credible evidence at trial of this case.

**II.**

Defendant asserts the affirmative defenses of official, qualified, sovereign and/or governmental immunity.

**III.**

Defendant is entitled to all of the exemptions from, exceptions to and limitations on liability set out in the Texas Tort Claims Act, Chapter 101, TEX. CIV. PRAC. & REM. CODE.

**IV.**

Defendant is entitled to the official immunity of the Harris County employees who have been sued herein, which extends to preserve the governmental immunity to which Defendant is entitled.

**V.**

Defendant is protected from the imposition any award of punitive damages.

**VI.**  
**REQUEST FOR DISCLOSURE**

Under the authority of Texas Rule of Civil Procedure 194, Defendant requests that Plaintiffs disclose, within 30 days of the service of this request, the information or material described in Rule 194.2.

**VII.**

Defendant hereby requests a trial by jury as authorized by TEX. R. CIV. P. 216 and would further show that it is exempt from the deposit of a jury fee pursuant to Attorney General Opinion M-142. *See also* TEX. CIV. PRAC. & REM. CODE Section 6.001.

WHEREFORE, PREMISES CONSIDERED, Defendant Harris County respectfully prays that upon trial hereof, Plaintiff take nothing against it, that Plaintiff's claims against it be, in all respects, dismissed, that it be awarded its attorneys' fees and costs, and for such other and further relief to which it shall show itself entitled.

Respectfully submitted,

VINCE RYAN  
HARRIS COUNTY ATTORNEY

/S/ Mary E. Baker

MARY E. BAKER  
Senior Assistant County Attorney  
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[mary.baker@cao.hctx.net](mailto:mary.baker@cao.hctx.net)

ATTORNEY FOR DEFENDANT  
HARRIS COUNTY

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2018, a true and correct copy of the foregoing **ORIGINAL ANSWER OF DEFENDANT HARRIS COUNTY TO PLAINTIFF'S ORIGINAL PETITION** was served by facsimile and/or electronically to:

Joseph Ward  
Ahmad G. Azam  
Azam, Ward & Sullivan, PLLC  
9894 Bissonnet St., Ste. 905  
Houston, Texas 77036  
Fax: (832) 203-4477  
[info@awsp LLC.com](mailto:info@awsp LLC.com)

/S/ Mary E. Baker

MARY E. BAKER  
Senior Assistant County Attorney